

REMARKS

The Office Action mailed November 6, 2002 has been carefully considered. In response, claims 1, 6, 8, 13, 15, 17, 30, 33 and 35 have been amended and claims 5, 12 and 16 have been cancelled without prejudice. Claims 1, 6, 8, 13, 15, 17, 30, 33 and 35 having been amended and claims 5, 12 and 16 having been cancelled without prejudice, the present claims are claims 1-4, 6-11, 13-15, 17-18, 30, and 32-38. In view of the amendments to the claims, favorable consideration is respectfully requested.

In paragraphs 2 and 3 of the outstanding Office Action, claims 1-18, 30, and 32-38 are rejected as being based upon a defective reissue declaration and it is noted that the reissue oath/declaration filed with the application is defective because it fails to identify at least one error which is relied upon to support the reissue application. In response, an unsigned declaration is submitted herewith. The applicant will sign and submit the signed declaration in due course if the unsigned declaration is suitable. The Examiner's consideration of the unsigned declaration is respectfully requested. Thank you.

In paragraph 6 of the outstanding Office Action, claims 1, 2-3, 7-10, 14-15, 30, and 33-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over either the prior art as admitted by applicant or Wheatley, U.S. Patent No. 5,934,735, in view of Buratovich. Although amendments have been made to the claims to bring certain of the claims into condition for allowance, the Section 103 rejection is respectfully traversed and the applicant reserves the right to pursue claims similar to the original claims in this or a subsequent application. It is the applicant's contention that one skilled in the art of making tonneau covers would not look to the art of canvas securement to determine how to create greater tension upon a tonneau cover secured to a cargo box of a pickup

truck. Therefore, insofar as the outstanding rejection may be applied to either the amended or original claims, reconsideration and withdrawal is respectfully requested.

In paragraph 8 of the outstanding Office Action, the Examiner has noted that certain claims would be allowable if rewritten to overcome the rejection under 35 U.S.C. 251. The Examiner's remarks in this regard are noted with appreciation. In order to secure allowance of certain claims, amendments have been made to claims having recitations similar to those cited by the Examiner as providing allowable subject matter. At the same time, the applicant respectfully reserves the right to seek further protection for his invention through claims similar to those which have now been amended.

In view of the foregoing, favorable consideration is respectfully requested and a further indication of allowable subject matter is sought.

As noted above, a three-month extension of time is respectfully requested in relation to the prior application, extending the period for response to the outstanding Office Action from February 6, 2003 to May 6, 2003 and the prior application is expressly abandoned in favor of the continued prosecution application herein requested. Please charge any further fees required to effect these requests to the undersigned attorneys' deposit account, Deposit Account No. 13-4300. Thank you.

If the undersigned attorney can be of any assistance to the Examiner in respect to further steps to bring the present application into condition for allowance, the Examiner is urged to contact the undersigned attorney at the telephone number

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provided below. The Examiner's consideration in this regard will be appreciated. Thank you.

Respectfully submitted,
for the Applicant
by his Attorneys,

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